

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>IN RE:</b>	)	
	)	
<b>PRIME COLORANTS, INC.</b>	)	<b>BK No. 09-14215-GP3-11</b>
	)	
<b>Debtor.</b>	)	

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**EXPEDITED MOTION OF DEBTOR IN POSSESSION  
TO DISMISS CHAPTER 11 CASE**

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The Debtor in Possession, by and through counsel, states to the Court as follows:

**RELIEF REQUESTED**

1. The expedited relief sought in this matter is the dismissal of this Chapter 11 Case at the request of the Debtor in Possession.

**URGENCY**

2. The urgency giving rise to a need for expedited relief is that the largest unsecured creditor of the Debtor, Edward Honicker, has agreed to certain terms for the reduction and modification of the indebtedness owed by the Debtor. Included in those terms is the requirement that the Debtor obtain a dismissal of this bankruptcy case to permit the consummation of a settlement agreement. In addition, several of the Debtor's creditors have required the Debtor to pay for its products by C.O.D. instead of on payment terms. Therefore, it is in the best interest of all creditors to have the case dismissed as soon as possible in order for the Debtor to conduct its business as a going concern. This urgency does not permit the giving of routine notice pursuant to Federal Rules of Bankruptcy Procedure § 2002(a)(4).

### NOTICE

3. Notice of this Expedited Motion was given to the Debtor, the U.S. Trustee, and all creditors as indicated on the attached mailing matrix, by U.S. Mail on December 18, 2009. In addition, notice was given to counsel for Edward Honicker, Phillip Jones, via email (pjones@ejrla.com); Jessamy Thomison, counsel for the U.S. Trustee, via email (jessamy.thomison@usdoj.gov); Ernest Williams, counsel for Cadence Bank, via email (ernie.williams@ewivlaw.com); the twenty (20) largest unsecured creditors; and all secured creditors, via facsimile, if known.

### HEARING DATE

4. The Debtor suggests that any objections to the proposed relief sought in this Expedited Motion be filed by 8:30 a.m. central standard time on Tuesday, December 29, 2009, and that a hearing upon any objection so timely filed be held at 9:00 a.m. central standard time on Tuesday, December 29, 2009, Courtroom 1, Customs House, 701 Broadway, Nashville, Tennessee.

### ARGUMENT IN SUPPORT

5. The filing of this Chapter 11 Case on December 13, 2009, was in response to a lawsuit filed by Edward Honicker to recover his unsecured claim. The consummation of a settlement agreement with Edward Honicker (the "Settlement") will allow the Debtor to address its secured and unsecured indebtedness and continue operations outside the confines of a Chapter 11 Case. The Debtor will pay all fees accrued under 28 U.S.C. §1930(a)(6) ("UST Fees"). With consummation of the Settlement, there is no reason for this Chapter 11 Case to continue, and the dismissal would appear to be in the best interest of all creditors and parties in interest.

WHEREFORE, premises considered, the Debtor respectfully requests entry of: 1) an Expedited Order Scheduling Hearing on Expedited Motion of Debtor in Possession to Dismiss Chapter 11 Case; 2) Expedited Order Granting the Debtor's Expedited Motion to Dismiss; and 3) for such other and further relief as is just and proper.

Respectfully Submitted:

/s/ Timothy G. Niarhos  
Timothy G. Niarhos  
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*Attorney for Debtor*

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2009, a copy of the foregoing expedited motion was filed electronically. Notice of this filing will be sent as detailed in paragraph three above either by operation of the Court's electronic filing system and/or by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ Timothy G. Niarhos  
Timothy G. Niarhos